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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.



### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on August 25, 2005.
2. This application has been examined. Claims 1-2, 14-, 24, 26-41 are pending.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

#### ***A person shall be entitled to a patent unless --***

((b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States..

4. Claims 16, 18-19, 21, 39-40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Litchman et al. (US No. 5,787,246).

In regard to claim 16, Litchman et al. disclose the method of repairing a computer comprising turn on power of the computer and letting the computer boot, load an operating system and load a user friendly graphical user interface (i.e. GUI) for the operating system (i.e. Windows 95 or NT) using non-removable media inside the computer when possible (see col. 14, lines 9-34); checking the conflict inside the computer by non-removable media inside the computer when the computer has the operating system fully loaded and the user friendly GUI is present (see col. 15, lines 32-44); repairing any conflicts by non-removable media inside the computer upon detection of the conflicts (see col. 24, lines 18-61); returning to the user friendly GUI for the operating system if all conflicts have been repaired (see col. 24, lines 18-61).

In regard to claim 18, Litchman et al. disclose the conflicts selected from the group consisting of system registry and hardware information (see col. 25, lines 1-10).

In regard to claim 19, Litchman et al. disclose a register of the operating system (see col. 24, line 65 through col. 25, line 10); and a state data of device driver (see col. 29, lines 32-65).

In regard to claim 21, Litchman et al. disclose the periodically update the configuration of the system (see col. 16, line 56 through col. 17, line 6).

In regard to claim 39, Litchman et al. disclose the checking and repairing steps occurring when the computer is at desktop (see col. 16, line 56 through col. 17, line 14).

In regard to claim 40, Litchman et al. disclose the conflicts not preventing the computer from booting (see col. 16, lines 56-65).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-2, 14, 38, 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett et al. (US No. 5,715,456) in view of Meyers et al. (US No. 6,170,055).

In regard to claim 1, Bennett et al. disclose a recording medium 10 for fixing a conflict of a computer system comprising a boot image (i.e. OS loader) loaded in a main memory installed in the computer system when the computer system is booted, for managing the operation of the computer system (see col. 6, lines 60-

64); a program image (i.e. config.sys) consisting of an operating system and application programs to be installed in an auxiliary memory unit of the computer system and list of the operating system and application programs (see col. 7, lines 7-51). But Bennett et al. do not specifically disclose a conflict repair control program having a code means (a) loaded in the main memory of the computer system for checking whether the auxiliary memory unit is normal, and code means (b) for repairing damaged files in the auxiliary memory unit using the program image when abnormality exists in the auxiliary memory unit. However Meyer et al. disclose a conflict repair control program having a code means (a) loaded in the main memory of the computer system for checking whether the auxiliary memory unit is normal (see col. 13, lines 1-12), and code means (b) for repairing damaged files in the auxiliary memory unit using the program image when abnormality exists in the auxiliary memory unit (see col. 13, lines 1-35). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Meyers et al. into the teachings of Bennett et al. because it would allow users to fix problems without the need for help, reduce recovery time from critical system failures, increase productivity and system usability.

In regard to claim 2, Bennett et al. disclose the recording medium is a CD-ROM (see col. 6, lines 60-64).

In regard to claims 14, Bennett et al. disclose the method of fixing the boot failure in the computer system using the CD-ROM device including a CD-ROM comprising the step of setting the CD-ROM device as a master device, booting the computer system (see col. 6, lines 52-64); reinstalling an OS to the hard drive (see col. 7, line 64 through col. 8, line 5); setting the CD-ROM device as the master

device and booting the computer again when new booting when the hard drive is set as the master fails (see col. 8, lines 19-35); backing up data files in the hard drive and formatting the hard drive (see col. 7, lines 7-51); installing an operating system among the program image recorded in the CD-ROM into the hard drive (see col. 7, lines 1-51); setting the hard drive as the master device and newly booting the computer (see col. 8, lines 7-35); reinstalling application programs in the hard drive using the program image in the CD-ROM (see col. 7, lines 24-51). But Bennett et al. do not specifically disclose the checking the conflict of the auxiliary memory and fixing a damaged system file; restoring the data file backed up. However Meyers et al. disclose the checking the conflict of the auxiliary memory and fixing a damaged system file (see col. 13, line 1-27; restoring the data file backed up (see col. 13, lines 1-27). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Meyers et al. into the teachings of Bennett et al. because it would allow users to fix problems without the need for help, reduce recovery time from critical system failures, increase productivity and system usability.

In regard to claim 38, Meyers et al. disclose the checking and repairing occurring when the computer system is fully booting to a GUI of the desktop of OS (see col. 12, line 65 through col. 13, lines 26). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Meyers et al. into the teachings of Bennett et al. because it would allow users to fix problems without the need for help, reduce recovery time from critical system failures, increase productivity and system usability.

In regard to claim 41, Meyer et al. disclose the damaged file not preventing the computer from booting (see col. 13, lines 1-10).

7. Claims 22-23, 26-27, 30, 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Litchman et al. in view of Bennett et al.

In regard to claim 22, Litchman et al. disclose the claimed subject matter as discussed above rejection except the teaching of booting, loading the operating system and providing a GUI being performed by CD-ROM disk only if the hard drive is fails to boot and provide a GUI germane to the operating system to the user. However Bennett et al. disclose the step of booting, loading the operating system and providing a GUI being performed by CD-ROM disk only if the hard drive is fails to boot (see col. 6, line 60 through col. 7, line 5) and provide a GUI germane to the operating system to the user (see col. 7, lines 37-51). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Bennett et al. into the teachings of Litchman et al. because it would allow users to fix problems without the need for help.

In regard to claim 23, Bennett et al. disclose CD-ROM backing up all files stored on the non-removable media (see col. 7, lines 7-65). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Bennett et al. into the teachings of Litchman et al. because it would allow users to fix problems without the need for help.

In regard to claim 26, 37, Litchman et al. disclose the conflicts including peripheral hardware (see col. 12, lines 36-56).

In regard to claim 27, Litchman et al. disclose the computer comprising a CPU (col. 11, lines 42-46); an input/output device enabling a user to interact with the computer (see col. 12, lines 36-56), main memory (see col. 11, lines 40-46); an auxiliary memory (i.e. hard drive) (see col. 12, lines 36-56); checking the conflict inside the computer by non-removable media inside the computer when the computer has the operating system fully loaded and the user friendly GUI is present (see col. 15, lines 32-44). But Litchman et al. do not specifically disclose a CD-ROM drive used to boot up the computer, load an operating system and provide GUI when the computer fails to achieve the GUI germane to the operating system. However Bennett et al. disclose the step of booting, loading the operating system and providing a GUI being performed by CD-ROM disk only if the hard drive fails to boot (see col. 6, line 60 through col. 7, line 5) and provide a GUI germane to the operating system to the user (see col. 7, lines 37-51). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Bennett et al. into the teachings of Litchman et al. because it would allow users to fix problems without the need for help.

In regard to claim 30, Litchman et al. disclose the conflicts selected from the group consisting of system registry and hardware information (see col. 25, lines 1-10).

8. Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Litchman et al. in view of Bennett et al. and further in view of Meyers et al.

In regard to claim 24, Litchman et al. and Bennett et al. disclose the claimed subject matter as discussed above except the teaching of searching of conflict in



the hard drive using the CD-ROM; repairing the conflict found in the hard drive using the CD-ROM and reinstalling the backed up data files to the hard drive. However Meyers disclose the step of searching of conflict in the hard drive using the CD-ROM (see col. 13, lines 1-26); repairing the conflict found in the hard drive using the CD-ROM (see col. 13, lines 1-26) and reinstalling the backed up data files to the hard drive (see col. 13, lines 18-26). ). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Meyers et al. into the teachings of Bennett et al. and Litchman et al. because it would allow users to fix problems without the need for help, reduce recovery time from critical system failures, increase productivity and system usability.

***Allowable Subject Matter***

9. Claims 4-6 are allowed over the prior art of records.
10. Claims 3, 6, 15, 20, 31-33, 36, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. The following is an Examiner's statement of reasons for the indication of allowable subject matter: Claims 3-6, 15, 17, 20, 31-33, 36 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior arts which teach a code unit for displaying the list included in the program image and newly installing only programs selected by a user in the hard disk (claim 3); diagnosing the presence or absence of abnormality in the computer according to user's instruction, reverting the computer system to a state when state information selected by the user among state information (claim 4); presenting a user on an

input/output unit of the computer a plurality of dates and times the computer can revert to based on the dates and times of the computer stored state information pertaining to the computer inside a non-removable media when a conflict remains unrepaired after the repairing step; reloading state information germane to the date and time selected by the user resulting in the computer reverting to an earlier time when the computer did not have the unrepairable conflict (claims 17, 32, 33); checking step initiated by a user pressing a diagnostic button on an input/output portion of the computer (claims 20, 36); recording portion to record state information of the computer at various time prior to installation or changes to software in the computer (claim 31).

The remaining claims, not specifically mentioned, are allowed for the same rationale as dependent claims.

### ***Response to Amendment***

12. Applicant's arguments and amendment, see 7-22, filed June 2, 2002, with respect to the rejections of claims 1-4 under 35USC102/103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bennett et al., Meyers et al. and Litchman et al.

### ***Conclusion***

13. Claims 1-2, 14, 16-19, 21-24, 26-30, 34-35, 37-41 are rejected. Claims 4-6 are allowed. Claims 3, 6, 15, 20, 31-33, 36 are objected.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (571) 272-3639 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

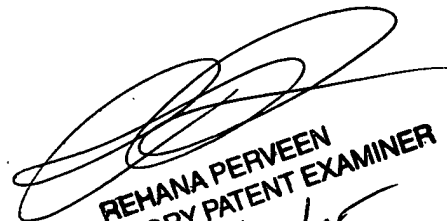
All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC. 2100 central telephone number is (571) 272-2100.



**Raymond Phan**  
**October 21, 2005**



**REHANA PERVEEN**  
**SUPERVISORY PATENT EXAMINER**  
10/31/05